

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:01CV500
)	
Plaintiff,)	
)	
vs.)	
)	
DRAVO CORPORATION,)	
DESCO CORPORATION, and)	
DESCO CORPORATION d/b/a)	
MARSHALLTOWN INSTRUMENTS, INC.,)	AMENDED ORDER
)	
Defendants, Third-Party Plaintiffs,)	
and Counterclaim Defendants.)	
)	
vs.)	
)	
BRUCKMAN RUBBER COMPANY)	
)	
Third-Party Defendant, and)	
)	
THE CITY OF HASTINGS, NEBRASKA,)	
)	
Third-Party Defendant and)	
Counterclaim Plaintiff.)	

This matter is before the court for clarification of the court's order approving settlement, Filing No. 287. The proposed Settlement and Release Agreement resolves claims between the City and Third-party Plaintiffs and Counterclaim Defendants Dravo Corporation and Desco Corporation ("Dravo and Desco") with respect to the recovery of costs incurred and to be incurred in response to releases or threatened releases of hazardous substances at and associated with the Colorado Avenue Subsite of the Hastings Groundwater Contamination Site. Filing No. 286, Exhibit A (hereinafter, "Motion Ex. A"). The court is advised that the parties have no objection to clarification of the order to specify that the Settlement and Release Agreement involves the Colorado Avenue Subsite. Accordingly, the order approving settlement is modified as follows.

IT IS HEREBY ORDERED THAT:

1. The City's motion for approval of settlement agreement (Filing No. 286) is granted.
2. The Settlement and Release Agreement between Dravo Corp., Desco Corp. and the City of Hastings, Nebraska, Filing No. 286, Exhibit A, is approved.
3. Consistent with the terms of the Settlement and Release Agreement, all Dravo's and Desco's claims against the City with respect to the Subsite at issue in this litigation are dismissed, with prejudice, each party to bear its own costs and attorneys' fees.
4. Consistent with the terms of the Settlement and Release Agreement, the City's counterclaim (Count I) against Dravo, with respect to the Subsite at issue in this litigation, and the City's counterclaim (Count I) against Desco, with respect to the Subsite at issue in this litigation, are dismissed, with prejudice, each party to bear its own costs and attorneys' fees.
5. Any and all future claims by any entity against the City, including but not limited to claims for contribution or response costs pursuant to 42 U.S.C. § 9613(f)(2) or other applicable federal or state law, arising out of or related to the release or threatened release of hazardous substances or contaminants at or associated with the Subsite at issue in this litigation are barred.

DATED this 31st day of May, 2006.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge